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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,261	12/21/2001	Michael S. Banik	06530.0144	5008

7590 03/31/2005

Finnegan, Henderson, Farabow,  
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Washington, DC 20005-3315

EXAMINER

NGUYEN, VI X

ART UNIT PAPER NUMBER

3731

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dennis Melwani and Leslie Bookoff on 11/16/2004.

The application has been amended as follows:

This application is in condition for allowance except for the presence of claims 9, 16 and 25-30. Accordingly, claims 9, 16 and 25-30 have been canceled.

Non-elected claims 11 and 24 depending from claim 10 and claim 19 have been rejoined and allowed because claim 10 and claim 19 have been found to be allowed in the previous Office action.

### REASONS FOR ALLOWANCE

2. The prior art does not teach or fairly suggest the invention as recited in claims 1-8, 10-11, 12-15 and 17-24 of the instant invention including, inter alia, a stenting system for delivering therapeutic agents to body sites comprises an outer membrane surrounding the tubular stent, where a portion of the outer membrane is porous to the agent to allow the agent to be deposited on the site, where an inner membrane attached to the tubular stent, where **the inner membrane is non-porous to the therapeutic agent to be delivered to the site**, and where a chamber located between the inner and outer membranes for holding the agent, where agent in the chamber diffuses through the porous portion of the outer membrane and onto the body site. The

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art is well aware of the tubular stent has microporous vascular graft, such as Tu, US. Pat No. 5,024,671; Kowalewski, US. Pat No. 4,649,914. The most relevant prior art reference, Herweck et al., US. Pat No. 5,411,550, discloses in figures 1a, 1b, where a stenting system for delivering therapeutic agents to body sites comprises an outer membrane surrounding the tubular stent, where a portion of the outer membrane is porous to the agent to allow the agent to be deposited on the site, where an inner membrane attached to the tubular stent. However, the inner membrane of Herweck et al does not disclose a non-porous to the therapeutic agent to be delivered to the site. Accordingly, claims 1-8,10-11,12-15 and 17-24 of the instant invention are allowable over the prior art.

3. The application has been allowed and formal drawings are required in response to this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X Nguyen whose telephone number is (703) 305-4898. The examiner can normally be reached on M-F (8-4.30 P.M).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Victor X Nguyen  
Examiner  
Art Unit 3731

Vn *✓*  
11/16/2004



**JULIAN W. WOO**  
**PRIMARY EXAMINER**

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**SUPPLEMENTAL EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 18, line 1, "the system according to claim 18" was replaced by – the system according to claim 10--.

*Julian W. Woo*

**JULIAN W. WOO  
PRIMARY EXAMINER**

VN  
3/3/05